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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,440	06/11/2001	Jon J. Week	SUN-P5696	3545

7590

06/07/2004

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EXAMINER

KANG, INSUN

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 09/879,440	Applicant(s) WEEK, JON J.	
	Examiner Insun Kang	Art Unit 2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/27/2003 and 6/11/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/27/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responding to application papers dated 8/27/2003 and 6/11/2001.
2. Claims 1-52 are pending in the application.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-17 are non-statutory because they are directed to a method without recitation of a computer or a computer-readable medium embodying the method in order to produce a "useful, concrete and tangible result." The claims merely recite a "method" that is disembodied arrangement without creating any functional interrelationship, either as part of the stored data or as part of the computing processes performed by the computer ("acts") or computer readable medium so as to enable the computer to perform the claimed steps of method for "building a group of computer programs" as recited.

Thus the claims represent functional descriptive material that is not capable of producing a useful result, and hence represent only abstract ideas. Therefore, the claims are non-statutory.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Per claims 2-17, it is unclear to what method it is referring. It is interpreted as "The method according to claim."

Per claim 6, 23 and 40, it is unclear to which group of computer programs it is referring. It is interpreted as "said group of computer programs."

Per claim 7, 24 and 41, it is unclear to which user-selectable option it is referring. It is interpreted as "said user-selectable option."

Per claims 19-34, it is unclear to what tool it is referring. It is interpreted as "The tool according to claim."

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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8. Claims 1-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith (US Pub No. 2003/0182650).

Per claim 1:

Smith discloses:

- building a group of computer programs selected from at least one group of computer programs on a selected computer of a plurality of computers, said plurality of computers being networked to a computer system having a user interface ("A software development toolkit (SDT) such as the ARM Developer Suite (ADS) presents its users with many build options," page 7 lines 16-20; "software development system...to model the compatibility and desirability in the target execution environment of various build option parameters selected by a user....This library selector may be used to select a particular library of machine code entities compatible with these execution environment requirements whilst providing the most desirable machine code entities to exploit the capabilities of the target data processing system," abstract; page 1, 0004)
- displaying a list of said at least one group of computer programs so as to allow a user to select a group to be built, each of said at least one group of computer programs having a set of specific environmental requirements in which said group of computer programs is to be compiled and executed ("library selecting logic responsive to said library selector for selecting, from among a plurality of libraries of machine code entities, a selected library of machine code entities having a best level of execution environment requirements compatible with said

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limiting level of execution environment requirements indicated by said library selector," pg 1, 0011);

- displaying a list of said plurality of computers, each of said plurality of computers having at least one environmental characteristic ("the machine code entity libraries provided in a software development tool system...with all possible build options that a user ...to select the correct library to use from among a large number of libraries," page 1, 0006; "build options that may be specified by a user of the ...tools ...for the target data processing system," page 1, 008; page 7 lines 16-20)

- receiving a user's selection of a group of computer programs from said list of said at least one group of computer programs ("The different build options that may be specified by a user of the software development tools...",page 1, 0018)

- determining each computer capable of building the selected group of computer programs based on said at least one environmental characteristic ("this library selector may be used to identify a suitable library of machine code entities," page 1, 0013)

- indicating each said capable computer on said list of the computers and designating a capable computer in response to the user's selection of a computer from said list of the computers ("a selected library of machine code entities having a best level of execution environment requirements compatible with said limiting level of execution environment requirements indicated by said library selector," page 1, 0011) as claimed.

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Per claim 2:

The rejection of claim 1 is incorporated, and further, Smith discloses displaying a list of user-selectable options ("different build options that may be specified by a user," page 1, 0018; "library selector," page 1, 000; page 7 lines 16-20) as claimed.

Per claim 3:

The rejection of claim 2 is incorporated, and further, Smith discloses determining available build options for the selected computer; and indicating said available build options on said list of user-selectable options ("a selected library of machine code entities having a best level of execution environment requirements compatible with said limiting level of execution environment requirements indicated by said library selector," page 1, 0011) as claimed.

Per claim 4:

The rejection of claim 2 is incorporated, and further, Smith discloses executing, in response to a user-selectable option being selected, a build process for the selected group of computer programs using the selected computer ("perform a method of generating a group of machine code entities for execution upon a target data processing apparatus from a group of source code entities, each source code entity having at least one build option parameter," page 2, 0026) as claimed.

Per claim 5:

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The rejection of claim 4 is incorporated, and further, Smith discloses outputting a result of said executing the build process ("IDE or "make" system acting as the user's agent," page 3, 0050; page 8, lines 1-17; "ARM developer Suite (ADS)," page 7 lines 16-20) as claimed.

Per claim 6:

The rejection of claim 2 is incorporated, and further, Smith discloses building, testing, checking a group of computer programs and removing existing computer programs and files from a specific location assigned to a selected group; and logging a result of executing a selected build option ("IDE or "make" system acting as the user's agent," page 3, 0050; page 8, lines 1-17; "ARM developer Suite (ADS)," page 7 lines 16-20) as claimed.

Per claim 7:

The rejection of claim 2 is incorporated, and further, Smith discloses determining available processes for a user-selectable option being selected, and displaying a list of said available processes page 2, 0026) as claimed.

Per claim 8:

The rejection of claim 1 is incorporated, and further, Smith discloses obtaining said at least one environmental characteristic of each computer, and comparing said at least one environmental characteristic with said specific

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environmental requirements of the selected group of computer programs("a selected library of machine code entities having a best level of execution environment requirements compatible with said limiting level of execution environment requirements indicated by said library selector," page 1, 0011 and 0019) as claimed.

Per claim 9:

The rejection of claim 8 is incorporated, and further, Smith discloses maintaining a file containing environmental characteristics of the computers; and reading said at least one environmental characteristic of each computer from said file ("IDE or "make" system acting as the user's agent," page 3, 0050; page 8, lines 1-17) as claimed.

Per claim 10:

The rejection of claim 9 is incorporated, and further Smith discloses updating said environmental characteristics of the computers contained in said file ("IDE or "make" system acting as the user's agent," page 3, 0050; page 8, lines 1-17) as claimed.

Per claim 11:

The rejection of claim 8 is incorporated, and further, Smith discloses said at least one environmental characteristic is obtained by making a query to said computers(page 1, 0011) as claimed.

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Per claim 12:

The rejection of claim 1 is incorporated, and further, Smith discloses said at least one environmental characteristic of the computer includes at least one of a number of CPUS within the computer, CPU architecture, a bus width, a version and type of an operating system, and average load of the computer (page 7, lines 16-25) as claimed.

Per claim 13:

The rejection of claim 1 is incorporated, and further, Smith discloses Highlighting each said capable computer on said list of the computers (page 1, 0011; page 3, 0050; page 8, lines 1-17; "ARM developer Suite (ADS)," page 7 lines 16-20) as claimed.

Per claim 14:

The rejection of claim 1 is incorporated, and further, Smith discloses said set of specific environmental requirements includes at least one of a number of CPUS, CPU architecture, a bus width, and a type and version of an operating system(page 7, lines 16-25; page 1, 0018) as claimed.

Per claim 15:

The rejection of claim 1 is incorporated, and further, Smith discloses said at least one group of computer programs is at least one library (page 1, 0011) as claimed.

Per claim 16:

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The rejection of claim 15 is incorporated, and further, Smith discloses said set of specific environmental requirements includes at least one of a number of CPUS, CPU architecture, a bus width, a type and version of an operating system, a method of compiling, and a link type of a library (page 7, lines 16-25; page 1, 0018) as claimed.

Per claim 17:

The rejection of claim 16 is incorporated, and further, Smith discloses said displaying a list of said at least one group of computer programs includes showing at least one of said specific environmental requirements for each library("a selected library of machine code entities having a best level of execution environment requirements compatible with said limiting level of execution environment requirements indicated by said library selector," page 1, 0011 and 0019) as claimed.

Per claims 18-34, they are the tool versions of claims 1-17, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 1-17 above.

Per claims 35-51, they are the apparatus versions of claims 1-17, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 1-17 above.

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Per claim 52, it is the program storage device version of claim 1, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 1 above.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 703-305-6465. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 703-305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IK
5/28/2004

Kakali Chaki

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